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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,031	01/09/2004	Nobuyuki Kojima	CANO:110	7879
37013 7590 10/04/2007 ROSSI, KIMMS & McDOWELL LLP. P.O. BOX 826 ASHBURN, VA 20146-0826			EXAMINER KANG, PAUL H	
			ART UNIT 2144	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/755,031

Applicant(s)

KOJIMA ET AL.

Examiner

Paul H. Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/15/06; 9/1/06; 1/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 19 is directed to a "program for causing a computer to implement" which is deemed to be software per se and therefore non-statutory. An amendment in line 1 of claim 19 to recite "A computer program for execution by a computer to implement" would overcome this rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ino, Japanese Patent No. 11-298517 (hereinafter referred to as Ino), in view of Nobuhiko, Japanese Patent Publication No. 09200419 A (hereinafter referred to as Nobuhiko).

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4. As per claims 1, 10 and 19, Ino teaches an information processing method, a program for execution by a computer, and an information processing apparatus connected to a network having thereon at least one server capable of processing e-mails, the information processing apparatus being capable of transmitting and receiving e-mails, and managing counter information indicating an output state of a device, the information processing apparatus comprising:

a managing device that manages the counter information (Ino, ¶¶ 0051-0053); and

a time setting device that transmits an e-mail addressed to the information processing apparatus, receives the e-mail, and then sets present time based on time of the transmission of the e-mail, and time of reception of the e-mail by the server (Ino, ¶¶ 0022-0023, 0051-0053, 0062-0064, 0067-0068).

Ino teaches the invention substantially as claimed. However, Ino does not explicitly teach that the information processing apparatus comprises at least one image forming apparatus. In the same field of endeavor, Nobuhiko teaches a device and method for setting the correct time of a printing device (See Nobuhiko, Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the printer as taught by Nobuhiko into the time setting system of Ino because it is desirable to enable efficient time setting techniques to printing devices connected to a network. The combination of the known techniques of a network connected printing device and a method for setting time on a network device, within the capabilities of one of ordinary skill in the art, would yield predictable results.

5. As per claims 2 and 11, Ino-Nobuhiko teaches an information processing apparatus comprising an NTP time information acquisition device that acquires time information using

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NTP, and wherein said time setting device carries out the setting of present time based on time of the transmission of the e-mail, and time of reception of the e-mail by the server, concurrently with the acquisition of the time information by said NTP time information acquisition device (Ino, ¶¶ 0005, 0066-0067).

6. As per claims 3 and 12, Ino-Nobuhiko teaches an information processing apparatus comprising a storage device that retains time information, and wherein said time setting device sets the present time based on the time information retained in said storage device upon startup of the information processing apparatus (Ino, ¶¶ 0005, 0066-0067)

7. As per claims 4 and 13, Ino-Nobuhiko teaches an information processing apparatus comprising a mail time information acquisition device that acquires time of reception of the e-mail addressed to the information processing apparatus, and wherein said time setting device overwrites the time acquired by said mail time information acquisition device or said NTP time information acquisition device on the present time set upon startup of the information processing apparatus (an RTC time set upon boot may be reset by the email time system; Ino, ¶¶ 0005, 0066-0067).

8. As per claims 5 and 14, Ino-Nobuhiko teaches an information processing apparatus comprising an update device that updates the time information retained in said storage device in predetermined timing (Ino, ¶¶ 0051-0052).

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9. As per claims 6 and 15, Ino-Nobuhiko teaches an information processing apparatus wherein said time setting device corrects the time information retained in said storage device based on predetermined correction information, and sets the present time based on the corrected information (Ino, ¶¶ 0051-0052, 0062-0064).

10. As per claims 7 and 16, Ino-Nobuhiko teaches an information processing apparatus wherein said time setting device acquires information of the time from said mail time information-acquisition device when the time information has not been acquired by said NTP time information acquisition device (the email system updates the clock. The system may be configured to also incorporate RTC and NTP; Ino, ¶¶ 0005, 0066-0067).

11. As per claims 8 and 17, Ino-Nobuhiko teaches an information processing apparatus comprising a storage device that stores a history of processing carried out by the image forming apparatus in association with lapse of time, and a notification device that notifies the history stored in said storage device to a center existing on the network (system records attempts to send emails and provides this information to the mail communication unit, Ino, ¶¶ 0047-0052).

12. As per claims 9 and 18, Ino-Nobuhiko teaches an information processing apparatus wherein the image forming apparatus comprises a printing device that carries out printing on a recording medium (Nobuhiko, Abstract).

Conclusion

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/
Primary Examiner
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